

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

COREY HARRIS PROSE  
PLAINTIFF.

VS.

DOMESTIC RELATIONS SECTION, et al.  
DEFENDANTS.

C.A. NO. 04-369-Enr  
D.S. McLaughlin  
M.J. Baxter  
11-28-05 E.C.P. I.D. 2428

MOTION TO OBJECT TO THE COURT REPORT AND  
RECOMMENDATION AND TO GRANT PLAINTIFF AMEND # (13),  
(# 11).

THIS MOTION IS BEING FILED ON BEHALF OF COREY HARRIS  
ACTED AS PROSE, HAS FILED A LEAVE TO AMEND DOCKET # (13)  
TO CORRECT CORES OF PLAINTIFF ORIGINAL COMPLAINT UNDER  
CIVIL RULES PROCEDURE 15(A) WHICH WAS A AFFIRMATIVE  
OFFENSIVE OF EFFECTIVENESS OFFENSE ALLEDGEMENT FROM THE  
PLAINTIFF IN SUPPORT OF THE DEFENDANT MOTION DOCUMENT #  
(40) TO DISMISS PLAINTIFF COMPLAINT OF THE ABOVE CASE #.

THE DEFENDANTS FILED A MEMORANDUM OF LAW IN SUPPORT  
OF THERE MOTION, AND PLAINTIFF RESPONDED TO THE DEFENDANT  
MOTION TO DISMISS BY FILEING A AFFIRMATIVE OFFENSIVE,  
TO "ATTACK" THERE DEFENSIVE. WHICH MAKES IT COHERENT  
FOR THE AMEND ALLEDGEMENT, ON THE BASE OF THE ORIGINAL  
COMPLAINT, SO (DOCUMENT # 13) SHOULD BE "GRANTED". AND # 11)

IN SUPPORT AS FOLLOWS:

"AND NOW COMES" THE PLAINTIFF COREY HARRIS  
 ACTED PROSE, AND FILES THE WITHIN MOTION TO  
 OBJECT TO THE COURT REPORT AND RECOMMENDATION  
 TO DISMISS THE DEFENDANTS DOMESTIC RELATION  
 SECTION AND DOMITROVICH FROM THIS CIVIL ACTION  
 BASE ON JUDICIAL AND SOVEREIGN IMMUNITY STATUTE  
 OF THE 11<sup>th</sup> Amendment.

MOTION OF STAY STATING AS SUPPORT AS FOLLOWS:

- 1) THE PETITIONER AFFIRMATIVE OFFENSE ALLEDGMENT WAS A  
 PATTERN OR STYLE OF SCORING "ATTACK".
- 2) PETITIONERS MEMORANDUM OF LAW REPORT WAS EVIDENCE  
 ENTITLED TO SUPPORT PLAINTIFF CLAIMS OF THE DEFENDANTS  
 FRAUDULENT INVOLVEMENT OR PROCEEDING FROM "FRAUD" ON  
 MATTERS OUT SIDE OF THE COURT OF Common Pleas See,  
 Alledgment #2 page 4,5 AND page 12 Alledgment 4-A on Case  
 C.A. NO. 04-281-E AND Alledgment 2-A page 6,7 AS WELL AS  
 PAGE 9 Alledgment 3-A2 AND 3-A1 PAGE #8.
- 3) Alledgment 1-A WAS ALSO ON MATTERS OUT SIDE THE COURT  
 "INDIRECT." ALL THE ABOVE ALLEDGMENT WAS TO SUPPORT  
 CLAIMS FOR RELIEF THAT WAS ALSO CONSISTENT  
 WITH THE ORIGINAL COMPLAINT FILED BY THE PLAINTIFF  
 IN HIS ALLEGATIONS See, Hishon V. King & Spaulding  
 467 U.S. 69, 73 (1984)

4.) ALL THE ABOVE ALLEGEMENTS WAS TO SUPPORT CLAIMES FOR RELIEF ALSO SEE, *Weitzke, Schever V. Rhodes*, 419 U.S. 232 (1974) Petitioner states for the Court to Permit his Amend ALLEDGEMENT TO BE PRESENTED AS NEW ISSUES SEE, *Beavers V. Lockart*, 755 F.2d 657, 662 8th Cir (1985)

5.) PETITIONER STATES THAT THE 42 U.S.C. 1983 WAS BASE ON SEEKING RELIEF FROM FEDERAL COURT LITIGATION ON CIVIL RIGHTS ACTS OF 1871 REV STAT, AS AMENDED 42 U.S.C. 1983. BASE ON MALICIOUS PROSECUTION ACTION OF OR FROM OFFICIALS. FOR CLAIMS OF UNCONSTITUTIONAL TREATMENT AT THE HANDS OF STATE OR COUNTY OFFICIALS A 1983 AND FEDERAL HABEAS CORPUS STATUTE 28 U.S.C. 2254 WHICH PROVIDE ACCESS TO A FEDERAL FORUM, SEE, *Preiser V. Rodriguez* 411 U.S. 475, 93 S.Ct. 1827, 36 LEd 2d 439 (1973)

6.) IN THE COURT SITED CASE OF *Mt. Healthy City Board of Education V. DOYLE*, 429 U.S. 274 (1977) STATE AGENCIES, *Edelman V. Jordan*, 415 U.S. 651 (1974) STATE EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY. PETITIONER STATES THAT THE COURT CAN NOT USE THAT METHODOLOGY OF THE ABOVE CASE, DUE TO IT UNIFORMLY APPLIES TO THE COUNTY DOMESTIC RELATIONS SECTION EMPLOYEES, DUE TO THEY ARE NOT STATE EMPLOYEES BUT COUNTY (EMPLOYEES.)

Petitioner states Also that the Court Used A Presumption in Granting the defendants "motion" (Document # 40) A motion to Dismiss Petitioner's Complaint. A Presumption As Support As follow:

A) A Presumption is A Rule of Law that Attaches definite Probative Value to Specific facts or draws A Particular Inference As to the Existences of one facts, Not Actually Know, ARISING from It's Connection with other Particular fact's which are know or Proved see, Watkins V. Prudential Ins. Co of America 315 PA. 497, 173 A. 644 (1934)

B) The Court Presumption Can not be based upon A Presumption Nor Can An Independent Inference be based upon Another Inference see, Keefer V. Pacific mut. life. Ins. Co. of California, 201 PA. 448, 51 A 366 (1902)

IN many Cases the Courts have held or At Least Stated the Aforesaid, Principle that A Presumption Can not be based on another Presumption, The Court Presumption that the defendants acted within their official Capacities. See, Allegement 4-A page #12. of Amend.

## Presumption

7.)

ALSO THE COURT SHOULD NOT HAVE ALLEGED THAT THE PETITIONERS AFFIRMATIVE OFFENSE AMEND WAS LACKING COHESION OR CONNECTION WITH, OUT GIVING THE PETITIONER A FAIR OPPORTUNITY TO CORRECT THE CUSES OR DEFICIENCIES. THE COURT PREVIOUS ALLOWED, THE PLAINTIFF TO CUSE OR CORRECT THAT WAS BASE ON THE DEFENDANT MOTION TO DISMISS, BASE ON THE STATUTE OF THE 11<sup>th</sup> Amendment. Immunity. See, STONE V. POWELL ISSUE WHETHER A PETITIONER HAD AN OPPORTUNITY FOR FULL AND FAIR LITIGATION OF HIS 4<sup>th</sup> 5<sup>th</sup> 7<sup>th</sup> 8<sup>th</sup> 14<sup>th</sup> 1<sup>st</sup> Amendment CLAIMS ON THE STATE COURT DEFENDANTS ET AL. FREELY OPPORTUNITY. FOMAN V. DAVIS, 371 U.S. 178, 182 (1962).

8.) Plaintiff state that his complaint was filed base on his confinement of unlawful custody which require this suit followed by the interpretive methodology employed in Preiser V. Rodriguez, 411 U.S. 475 (1973) ALSO LOOK AT CASE, Jones V. Lockart, 851 F.2d 1115, 1116, 1116 8<sup>th</sup> Cir (1988) BECAUSE PETITIONER WAS PROCEEDING AS PROSE IN DISTRICT COURT AND DENYING REVIEW OF CLAIM RAISED FOR FIRST TIME ON APPEAL WOULD RESULT IN INJUSTICE.

9) Plaintiff State that Congress has made A Error in It's language of the statute of the 11<sup>th</sup> Amendment immunity, by not be clear in there language. Supported facts as follow:

1) It is not clearly stated that the Court or County Employees that work in the Court of Common Pleas, are immune from suit under the above statute of The 11<sup>th</sup> Amendment.

2) Petitioner states that, due to the Court Proceeding was held with out being recorded or transcribe on Case matters out side of the Court Such As Indirect Criminal Contempt, See, page 4, Allegement 1-A, of Plaintiff Amend.

3) The Court or Congress was reluctant to find an implied waiver of the 11<sup>th</sup> Eleventh Amendment immunity, due to the defendants and there Co-Conspirators Actions was with malicious intent by the County Domestic Relations Employees see People v. Schwimmer, 47 N.Y.2d 1004, 420 N.Y.S.2d 218, 394 N.E.2d 288 (1979) legislature has adopted a unilateral approach to Conspiracy defendants, Could be convicted even though his or there Co-Conspirators were an Police officer, Etc..

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10.) THE defendants use the Court of Common Pleas for there Position to Cause deprivation of A Class Action Suit that's Govern by Civil Rules P, 23, to deceit the Public and its Citizens of its fraud Action See, Morris The Relation of Criminal Statutes to Tort Liability, 46 Harv. L. Rev, 453, (1933) Thayer, Public Wrong and Private Action, 27 Harv. L. Rev. 317 (1914) An example is found in Fitzgerald V. Pan American World Airways, 229 F.2d 499 2d Cir (1956) See Plaintiff Allegement Affirmative offense page 4, 5 Allegement 2.

11.) The Court holding of the case Parden V. Terminal Ry 1964, 84 S. Ct. 1207, 377 U.S. 184 12 L. Ed. 2d 233 with regard to the 11<sup>th</sup> Amendment it has been overruled. Also in the case of Welch V. Texas Dept of Highways and Public Transp. 1987, 107 S. Ct. 2941 483 U.S. 468, 97 L. Ed. 2d 389 which has been reaffirmed to the extent that it held that an FEIA Action can be brought against a State owned railroad in a State court where the <sup>11<sup>th</sup></sup> Eleventh Amendment does not apply Hilton V. South Carolina Public Railways Commn, 1991 112 S. Ct. 560, ——— US. ——— 116 L. Ed. 2d 560.



12.) Congress Can Remove a States 11<sup>th</sup> Amendment immunity when Congress is legislating Under 5 of the Fourteenth Amendments See, *Fitzpatrick V. Bitzer*, 1976, 96 S.Ct. 2666, 427 U.S. 445, 49 L.Ed. 2d 614. Congress Can Intend to overrule a States 11<sup>th</sup> Eleventh Amendment immunity But It must do so with unmistakable Clarity See, *Blatchford V. Native Village of Noatak and Circle Village*, 1991, 111 S.Ct. 2578, 2584, 501 U.S. 775 — 115 L.Ed. 2d 686.

Petitioner Also Stats that It has not been demonstrated by Congress that the District Court lacks Jurisdiction over by the Court Magistrate In the Courts Presumption over the immunity Statute over the Court who holds Subject matter which exists. See, *Bender V. William Sport Area School Dist.* 1988, 106 S.Ct. 1326, 1331, 475 U.S. 534, 541 89 L.Ed. 2d 501.

13.) THE Courts IN A Conflict of Interest  
IN SUPPORT AS FOLLOWS:

A) The Federal Government Provides Funds to the Program Of The Domestic Relations Section of Erie County PA, so that It Can function accordingly To Law. See, Affirmative Allegement pg. #6, #7 3-A3, pg. #10.



B.) Petitioner states the Court of U.S. District Court is in a Conflict of Interest due to the Domestic Relations Section Program, receives a Supply of money or monetary resources as for the purpose of the Program Enforcement Office for the Program Functions. etc, which is operating a Fraud, See page #10 Allegement 3-A3 of Amend.

C.) Petitioner Alleges that the Program of Domestic Relations Sec. have not fairly and adequately Protected the Interests of the Class in there Support Actions. etc. there for should not be Granted Immunity. Under the 11th Amend.

D.) In addition to the foregoing In Congress legislative Categories the language failed in Speaking about Public laws and Private laws Private laws must also be mentioned by Congress. Public laws are those which are designed to affect the general Public as distinguished from Private laws which are Passed to meet a Special need of an Individual or Small group. So Any Violations of this Law should not be Granted Immunity At All. See page #8 Allegement 3-A1, page #4, #5, page #7 Allegement 2-A

E.) In some cases the distinction is hard to justify as when a Special Interest group like Erie County Domestic Relations Section Promotes legislation to seek SUPPORT Enforcement from the obligor for being in Debt, And then Incarcerate the obligor. This falls back in to the hands of Congress who funds the County Program. It Also comes in the hand of Congress in there language when it comes down to Violating International laws or civil laws which is used to describe the domestic law of Individuals States as distinguished from the law of Nations called Public International law in Common law Countries, like the U.S. Court, Common Pleas Court of Erie County PA,

F.) Civil Law refers to the governing relations between persons and Private entities, in distinction to Criminal law and administrative law which involve State regulation of Conduct which the 11<sup>th</sup> Amendment immunity Statute would Not Apply to this civil suit of Case 04-369-E, and would Not Apply to Violations of civil Rights and Treatises laws under the civil legal System of All civil law System.

G.) Treatises laws are the Instruments by which Sovereign nations Can agree to Act with other nations In there legislative form which is base on Petitioner Allegement of his Affirmative 2-Page 6, 7 Petitioner states the defendants should be deny immunity of the 11<sup>th</sup> Amendment And be require to Answer Petitioner Amend. Petitioner motion THE Court of A STAY on Defendants, Domitrovich And Domestic Relations Section And to Grant Petitioner Document # 11, 13. IN Support of this objection to DISMISS.

14.) Petitioner IS Seeking Federal Jurisdiction 1991, 62 U. Pitt. L. Rev. 383 Redish and muench. Adjudication of federal cause of Action IN or as a result of A State or County Program Actions of A "Fraud" from A State court Program which fall under Rules of Civil Procedure 23 Civil Judicial Procedure and Rules 1976, 75 mich. L. Rev. 311.

IN statement

Plaintiff State that the U.S. Court Can "Shepardize", this Allegement case 04-369-E Amend to correct, And Use good method for determing if this case is still good law base on this objection of the Court R and R on the base of language of the legislation of Congress. etc,

IN CONCLLISON AN MEMORANDUM OF LAW

15.) Plaintiff States that the U.S. Court Order the Petitioner to file A MEMORANDUM OF LAW, IN SUPPORT of his Amend/Correct Cores, Petitioner Did file A Memorandum of Law which was evince to show clearly and to make evident which was to Prove his claim had base for the Court to "denie" the defendants (Document # 40) See, Blanchette V. Cataldo, 734 F.2d 869 (1st Cir 1984) Interference with Contractual Relationship Blake V. Levy, 191 Conn, 257, 464 A.2d 52 (1983) Same Middlesex Concrete Products and Excavating Co. V. Carteret Industrial Association 68 N.J. Super. 85, 172, A.2d 22 (1961) Same Extension of Immunity "evinces" the Strong policy behind the Privilege to leave reasonably unobstructed the Paths which lead to the ascertainment of truth, Briscue Supra, and to encourage witnesses with knowledge of facts relevant to Judicial Proceeding to give Complete and Unintimidated testimony, Binder V. Triangle Publications Inc, 442 Pa, 319, 324, 275 A.2d 53, 56. The Constitutional Protection Against Ex Post Facto Laws IS BASE upon two Simple Principles; First, Citizens are entitled to "fair" warning of legislative Acts in order to conform their behavior in accordance with the Laws See, Weaver V. Graham 450 U.S. 24, 28, 29 (1981).

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16) Petitioner states in his Conclusion that the 11<sup>th</sup> Amendment Judicial Sovereign Immunity Violates the Constitutional Laws and the Rights of the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup> Amendments of the Constitutional Law Petitioner Stated As Support As follow:

A) Base on the Judgment of the Court in there Judicial Capacity which was base on the Court Sovereign Authority, and there "Royal" having Support in there Supreme Rank and Power of being above all others, in Character, Importance, excellence, etc. Pertaining to Judicial Judgments in Court Actions of Justice, or to the administration of Justice Pertaining to Court of Law or to Judges, etc. All in which is Not "GOD". As to the defendants et al 1<sup>st</sup> Amend Right

### CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT ON THE 28<sup>th</sup> DAY OF NOVEMBER, 2005 A COPY OF THE WITHIN DOCUMENTS OF OBJECTION IN IT'S MOTION OF STAY OF DOCUMENTS (11), (13). WAS SENT OUT VIA-INMATE in-house mail, TO be Served on all Counsel of Record and U.S. Clerk of Courts.

CC: A. TAYLOR WILLIAMS, ESQUIRE  
U.S. CLERK OF COURT

COREY HARRIS PROSE  
COREY HARRIS  
E.C.P.I.D.#2428  
11-28-05

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